

REMARKS

Claims 1 – 18 are presently pending in the application. Claims 3 and 16 have been amended to correct a minor typo. No new matter has been added and support for the amendments to the claims can be found in the specification and drawings. In view of the arguments for patentability presented hereinbelow, Applicants respectfully submit that the application is now in condition for allowance.

Claim Rejections – 35 U.S.C. § 102(a)

Claims 1 – 18 stand rejected under section 102(a) as being anticipated by Nandagopal (SCHEDULING FOR FAIRNESS AND MINIMAL RESPONSE TIMES IN WIRELESS DATA NETWORKS, Ph. D. in Electrical Engineering, University of Illinois at Urbana-Champaign, PAGES 1 – 98, May 2002). Applicants respectfully traverse this rejection and submit that Nandagopal is not prior art.

Nandagopal Is Not Prior Art under Section 102(a)

The relevant provisions of Section 102 read as follows:

A person shall be entitled to a patent unless –
(a) the invention was known or used *by others* in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof *by the applicant* for patent...

Section 102(a)(emphasis added).

As stated in the Section 706.02(b) of the MPEP, “[f]or 35 U.S.C. §102(a) to apply, the reference must have a publication date earlier in time than the effective filing date of the application, and *must not be applicant’s own work.*”
http://www.uspto.gov/web/offices/pac/mpep/documents/0700_706_02_a.htm.

The cited reference was authored by Thyagarajan Nandagopal and published in May 2002. Thyagarajan Nandagopal is a co-inventor listed on the present application. A copy of the executed Declaration by Mr. Nandagopal is attached to this Amendment. Accordingly, the cited Nandagopal reference is not prior art under Section 102(a) as said reference does not evidence “known or used

by others” ... “before the invention thereof by the applicant...” as called for in Section 102(a). Note, neither is Nandagopal prior art under Section 102(b) as it was not published more than one year prior to the filing date of the instant application.


In view of the foregoing, reconsideration of the rejections is requested and allowance of these claims at an early date is solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to AT&T Corp. Account No. 01-2745. The Examiner is invited to contact the undersigned at (908) 707-1573 to discuss any matter concerning this application.

Respectfully submitted,
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By:

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